

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 183 /2002

Mise Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s).

Telecommunication Engineering
Services Association (1) Assam Circle, Sons.
-Vs-

Respondent(s) 21, 07, 8 one.

Advocate for the Applicant(s) Mr. B. P. Kolaiki
Mr. N. Borah.

Advocate for the Respondent(s) C. A. S. C.

Notes of the Registry	Date	Order of the Tribunal
This is application in form C. P. for Rs. 50/- deposited via 1003D No 04104546 Dated 21/6/02 at 10:00 AM By Registrar	13.6.02	List again on 24.6.02 for admission.
Sticks & Smokes & Learn my desired 12/6/02 Namb 12/6/02	mb 24.6.02	I C Ushar Member Vice-Chairman Mr. N. Borah, learned counsel for the applicants submitted that he does not press the application at this stage. Accordingly, the application is dismissed at not pressed.
Order dtd. 24/6/02 Communicated to the Parties Commd. & the Counsel 28/6	mb	I C Ushar Member Vice-Chairman

JUN 2002

गुवाहाटी बैन्डल
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH

O.A NO. 189/2002

BETWEEN

Telecommunication Engineering Services
Association (I) Assam Circle & others.
...Applicants.

- Versus -

The Union of India and others.

...Respondents.

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(NIRAN BORAH)

Signature of the
Advocate.

For use in the Tribunals' Office.

Date of filling:

Registration No.:

Signature.

JUN 2002

Guwahati Bench
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH: GUWAHATI.

O.A. 183 /2002

Filed by
Ronald Dutta Choudhury
through
Member Bench 12/6/02

BETWEEN

1. Telecommunication Engineering Services Association (I) Assam Circle, Guwahati-781007.
2. Sri R. Dutta Choudhury, SDE (Admn.) Circle Secretary [TESA(I)] Assam Circle, Guwahati-781007.
3. Sri A.H. Sarkar, SDOT, Goalpara T.D.M. Bongaon, Member [TESA(I)].
4. Sri D.C. Paul, SDE, Barpeta Road, Member, [TESA (I)].
5. Sri C.N. Sinha, SDOT, Barpeta Goalpara Road, Member, [TESA(I)].
6. Sri S.B. Chanda, D.E. External II Dispur GMT Kamrup, Member, [TESA(I)].
7. Sri P.K. Mazumdar, SDE (Vig.), O/O GM Dibrugarh, Member, [TESA(I)].

Contd..

Rasidin Qulin Chutney

8. Sri N.N. Kachari, D.E. (Plg.),
O/O GMT Dibrugarh, Member,
[TESA(I)].
9. Anil Ch. Saikia D.E. (I/FRS),
Jamalpur, Vatva Jamalpur
Telephone Exchange, Ahmedabad-22,
Member, [TESA(I)].
10. Atul Kr. Sharma, SDE A/T O/O
CGMT (Ghy) Member [TESA(I)].
11. D.N. Baishya, ADT (MIS) Office
of CGMT, Guwahati, Member
[TESA(I)].

...Applicants.

-AND-

1. The Union of India, represented
by the Secretary to the
Government of India, Ministry of
Communication, Department of
Telecommunications, New Delhi-1.
2. The Chairman-Cum-Managing
Director, B.S.N.L., Statement
House, Barabhanba Road, New
Delhi-1
3. The Chief General Manager,
B.S.N.L., Assam Telecom Circle,
Ulubari, Guwahati-7.

Contd..

4. The Chief General Manager,
B.S.N.L., Gujarat Telecom Circle,
Ahmedabad-1.
5. The General Manager, Kamrup
Telecom District, Ulubari,
Guwahati-7.
6. The General Manager, B.S.N.L.
Dibrugarh Telecom District,
Dibrugarh.
7. The Telecom District Manager,
B.S.N.L. Bongaigaon.

... Respondents.

DETAILS OF APPLICATION:

1. Particulars of the order against which the application is made:-

This application is made against the disciplinary Proceedings vide No.-Vig/ Assam /DISC XVII dated 8-2-2002 initiated by the Chief General Manager Assam Telecom Circle, Guwahati-7 against the members of the Telecom Engineering Service Association (I) Assam Circle in connection with purchase of materials in 1992.

2. Jurisdiction:-

The applicants declare that the subject matter of the applicants is within the jurisdiction of the Hon'ble Tribunal.

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Rasendran Andon Chintham

3. Limitation:-

The applicants declare that the application is within the period of limitation under Section 21 of the Administrative Tribunal Act, 1983.

4. FACTS OF THE CASE:-

4.1. That, the applicant No.1 is an Association of Telecommunication Engineering Services Association (I), Assam Circle Officers. Its ~~Central~~ Head Quarter ~~is~~ is situated at Ulubari, Guwahati-7. The applicant No.2 is the Circle Secretary, Telecommunication Engineering Services Association (I), Assam Circle, applicants No.3, 4, 5, 6, 7, 8, 9, 10 & 11 are the members of the said association. All the members of the said association are Citizens of India and as such are entitled to the rights and privileges guaranteed by the Constitution of India. The members of the Association have a common cause of action and pray for the permission under Rule 4(5)(b) of the C.A.T. (Procedure) Rules 1987.

4.2. That, the Association espouses the causes of its members who are promotee officers in different grades viz.- Sub-Divisional Officer, Telecom, Sub-Engineer External II, Sub-Div. Engineers, Divisional Engineer etc.

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4.3. That, as back as in the year 1992 the Telecom Department took a decision to purchase P.V.C. Insulated Twin Galvanized Steel Drop Wire. The decision was taken by T.D.M. Kamrup, with the approval of Chief General Manager Telecom, Assam Circle to purchase the same from M/S B.R. Electricals, New Delhi and the materials were purchased from the said supplier.

4.4. That, after the lapse of about 10 years some questions have been raised as regards the mode, method, supply and payment in connection with the said purchase of materials from the said supplier. The Association has come to know that for giving an eye-wash in the matter of the said purchase. The Respondents have decided to give a semblance of administrative action and inquiry by showing some actions against the officers in lower and middle management. This present application is for safeguarding the service of the members of the association who are in S.D.E., S.D.O.T, A.D.T, D.E.

4.5. That, the purchase was finalised by the top management in the year 1992. After a lapse of about 10 years the steps for the administrative action & inquiry by issue of charge sheet shall put the

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Rasondon and Chaitanya

members of the Association into great jeopardy. Many of the officers are due for promotion and their promotional prospects will be adversely effected for alleged causes of about 10 years back, and for which they are not responsible. The members who are in the verge of retirement shall also suffer adverse consequences.

4.6. That, the association enquired about the matter and came to know that in the above case an investigation was made by the Central Bureau of Investigation and on failing to establish a definite charge against any member of the Association, the case was referred to Department of Telecom recommending prosecution against a few top level officers who sanctioned and executed the purchase deal after duly justifying the same as a matter of policy in Assam Telecom Circle.

4.7. That, due to the technical and prevailing unstable social condition during that period (1992) in Assam, the purchase of the P.V.C. Insulated Twin Galvanized Steel Drop Wire was advised at the rate approved by the J & K Circle because there was no concept of supply of the said material in the Department of Telecom till December, 1992. The supply of Insulated Twin Galvanized Steel Drop Wire commenced

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in DOT only after 1993. It was technically recommended by the Technical Officers of Assam Telecom Circle at that time that for the condition in Assam there was utmost need for the said type of galvanized Iron Wire. There was no official hindrance to operate approved rate of one Telecom Circle by another Circle and different Circles adopted the policy of accepting the approved rate of another Circle during 1992, 1993 and even up to 1998.

4.8. That, after considering all the facts in the said purchase, in which the top officials took the decision of the purchase, the D.O.T. took a lenient view against the then Head of the Circle who himself sanctioned the purchase of 100 k.m. of such Drop Wire, and the association has come to know that the matter was closed after finalising it justified to issue only an administrative warning to the said officer. The Association in the facts and circumstances of the case also prays that after such a long year the members of the Association should not be dealt with differently.

4.9. That, the Association has also come to know that the D.O.T. has considered the matter against the top officers in view of the total prevailing conditions

Contd..

Reasons Only

in Assam as the atmosphere was trouble torn due to the movement launched by all Assam Students Union (ASSU) and insurgency activities done by the underground groups, and for this it was difficult to float tenders. The authority, therefore, did not take any action against those top officers except giving warning. There is no cogent reason why the same altitude should not be taken in the case of the members of the Association. Moreover, the members of the Associations had no scope or duty in the matter of Tender.

4.10. That, there was no scope on the part of middle level Engineering personal viz.- the members of the association posted in the executive officers to stall/ obstruct or refuse procurement of the materials and payments.

4.11. That, most unfortunately the respondents after closing the matter by an administrative warning to the Head of the Circle have started to shift the responsibilities on the subordinate officers including the members of the association by issuing identical charge-sheets vide order No.-Vig/ Assam/ DISC XVII/ dated 8-2-2002 who are not at all responsible in the matter. In the matter of warning

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to the Head of the Circle it is prayed that the Honourable Tribunal be pleased to order for production of the records.

Copies of Charge-sheets dated 8-2-2002 are annexed hereto and marked as ANNEXURE - 'A'. Series

4.12. That, the applicants beg to state that the disciplinary proceedings against the members of the Association for matters of 10 years back will jeopardise the promotional prospects in the next higher post and also shall be the cause of immense trouble for those at the verge of retirement.

4.13. That, the respondents have taken a disciplinary stand against the officers in the subordinate cadre including the members of the Association and have also started disciplinary action in large scale manner without considering the factual position and evaluating the responsibilities and scope of duties of the individual officers while the matte has been dropped as regards the top level officer, such actions against the members of the Association are discriminatory and denial of reasonable opportunity in the matter of service and shall also prejudice the cause and scope of promotion of the members of

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Ranendum Andi Chithra 13

the Association for a reason which relates back to 10 years and which has also not been substantiated by high level inquiry. Some of the members of the Association have been issued with formal charge-sheet under Rule 14 of CCS, CCA Rules 1965. The issuing of charge-sheet shall cause irreparable loss and injury to the members of the Association and discriminatory stand in this respect, without any basis and without support of investigation report is violative of all principles of law, Justice and Administrative fair-play. The stand of the Respondents is not just and fair.

4.14. That, some of the members of the Association are already due for promotion to the next higher scales of the respective posts, but Association has come to know that due to contemplation of disciplinary proceedings by way of issue of charge-sheet under Rule, 1965, their promotions have been held up and this has caused high prejudice in the matter of promotion of such members of the Association, such action is arbitrary and not supported by procedures established by law.

4.15. That, in this connection the Association begs to state that they have made contacts with the branches of other Circle to have a correct and clear

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14
Round 2
Engineering

picture in matter so that the matter may be placed clearly and correctly before the Hon'ble Tribunal. they have come to know that the decision to purchase the P.V.C. Insulated Twin Galvanized Steel Drop Wire at the approved rate of J & K - Circle were adopted in some other Circles also as a matter of administrative convenience. But the question of non-finalisation through independent tender has been raised only in the case of Assam Circle. The reason for such discriminatory stand is known to the respondents. It is reiterated that considering all these aspects, and after the CBI inquiry, the matter was dropped by an administrative warning to the Head of the Assam Circle. The Association states that no such disciplinary action has been initiated against the members of the Telecommunication Engineering Service Association of other Circles where the purchase and payment was made adopting the same procedure.

4.16 That, the applicant No.1 has submitted a representation dated 22-02-2002 to the respondent No.3 highlighting the factual positions and requesting for doing justice so the members of the Association and against the discriminatory attitude.

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Reserve Bank of India
Copy of the representation dated
22-02-2002 is annexed hereto and
marked as ANNEXURE - 'B'.

5. GROUNDS OF RELIEF WITH LEGAL PROVISIONS:

5.1. For that, the stands of the respondents against the members of the association is discriminatory and is violative of Article 14 and 16 of the Constitution of India.

5.2. For that, the matter relates back to the year 1992 and the respondents are trying to give an eye-wash by taking steps for administrative action and enquiry by issue of charge-sheet which shall cause grave injustice to the members of the Association.

5.3. For that, the members of the Association are not at all responsible in the above matter of purchase during 1992 and they had no scope of duty in the matter of tender.

5.4. For that, the respondents discriminatory whimsical and arbitrary action after long 10 years against the members of the Association shall effect their promotional prospects adversely.

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Riased in
which
Court

5.5. For that, the decision of purchase was taken by the top officials, and the respondents have taken a lenient view in the matter and closed the matter by issuing only administrative warning to the Head of the Assam Circle but in the case of members of T.E.S.A (I) Assam Circle the respondent have dealt with differently which is violative of principles of equality and administrative fair play.

5.6. For that, in any view of the matter the issuance of the charge-sheet against the members of the Association is illegal.

6. DETAILS OF REMEDIES EXHAUSTED:

There is no remedy under any Rule and this Hon'ble Tribunal is the only forum for redressal of the grievances of the applicants. The applicants filed a representation dated 22-02-2002 before the Respondent No.2 above subject, however, no action has been taken on the same.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN OTHER COURT:

The applicants declare that they have not filed any other case in any Tribunal, Court or any other forum against the impugned order.

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Rasendu Singh
A.I.B.S.

8. RELIEF SOUGHT FOR:

Under the above facts and circumstances of the case, the applicant prays for following reliefs :-

8.1. The respondents be directed to review all the aspects in the matter of purchase of P.V.C. Insulated Twin Galvanized Steel Drop Wire in 1992 in an objective manner in the context of the above facts.

8.2. The respondents be directed not to give effect to the charge-sheets issued in reference to the above purchases of 1992 discriminately against the members of the Association.

8.3. The promotions due to the applicants be not withheld /delayed on contemplation of disciplinary actions/ proceedings.

8.4. Any other relief/ reliefs the Hon'ble Tribunal may deem fit and proper.

The above reliefs are prayed for on the grounds stated in paragraph 5 above.

9. INTERIM ORDER PRAYED FOR:

During the pendency of this application the applicant prays for the following relief.

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Ranjan
Dutta
Chowdhury

9.1. The Respondents be directed not to give effect to the charge-sheets vide No. Vig/ Assam/ DISC XVII/ dated 8-2-2002 in the above matter of purchase of 1992 discriminately against the members of the Association, and not to withhold promotion or contemplation of disciplinary proceedings/ charge-sheets.

10. This application has been filed through Advocate.

11. PARTICULARS OF IPO:

1. I.P.O. No.: -
2. DATE : -
3. PAYABLE AT: - GUWAHATI.

Contd.. VERIFICATION.

VERIFICATION:

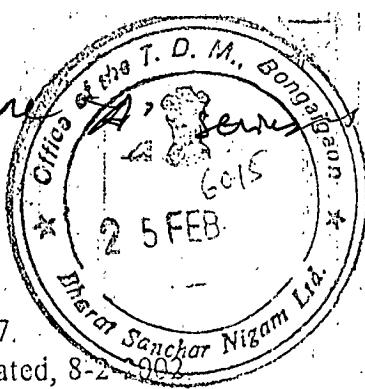
I, Sri R. Dutta Choudhury, aged about 50 years, Circle Secretary [TESA (I)] Assam Circle, Guwahati-7, do hereby verify the contents of paragraphs 1 to 11, 13 & 15 are true to my knowledge, and paragraphs 12, 16 belief to be true on legal advice and that I have not suppressed any material facts.

And I set my hand on this verification today the 12 th June 2002, at Guwahati.



Signature of the applicant.

Annexure



Bharat Sanchar Nigam Ltd.
(A Govt. of India Enterprise)
O/O The Chief General Manager
Assam Telecom Circle, Guwahati-07.

No. Vig/Assan/Disc.XVII/14

Dated, 8-2-1902

MEMORANDUM

1) Sri Chote Narayan Sinha, SDOT Barpeta Road, under TDM Bongaigaon is hereby informed that it is proposed to hold an inquiry against him under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-i). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV)..

2) Sri Chote Narayan Sinha is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3) He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each articles of charge.

4) Sri Chote Narayan Sinha is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule-14 of CCS(CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex parte.

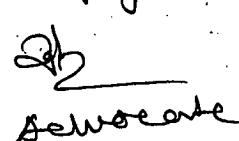
5) Attention of Sri Chote Narayan Sinha is invited to Rule 20 of the Central Civil Services(Conduct) Rules, 1964 under which no Govt. Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri Chote Narayan Sinha is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS(Conduct) Rules 1964.

6) The receipt of the memorandum may be acknowledged.

To

Sri Chote Narayan Sinha,
SDOT Barpeta Road
O/o TDM Bongaigaon


(G.S. Groyer)
Chief General Manager
Assam Telecom Circle, Guwahati-07.

certified to be
true copy

Advocate

ANNEXURE-I

ARTICLE OF CHARGE FRAMED AGAINST SHRI CHOTE NARAYAN SINHA,
SDOT BARPETA ROAD, UNDER TDM BONGAIGAON.

That the said Shri C.N.Sinha, while functioning as SDOT Barpeta road during 1992 received 23.5 km PVC Twin Insulated Galvanised Steel Dropwire from SDOT Bongaigaon, vide issue voucher no.201 dtd. 8-5-92 despite the fact that he could not produce any proof for utilisation of the said wire, nor the said stock was found physically present.

The above acts of Shri C.N.Sinha caused a huge undue financial loss to the tune of Rs. 1,79,280/- to Telecom Deptt. on account of payment of bills of M/s B.R.Electricals.

Thus shri C.N.Sinha due to his aforesaid acts failed to maintain absolute integrity and devotion to duty and thereby contravened the Rules of 3(1)(i) & (ii) of CCS(Conduct) Rule, 1964.

G.S.GROVER
CHIEF GENERAL MANAGER
ASSAM TELECOM CIRCLE
GUWAHATI-07



ANNEXURE-II

STATEMENT OF IMPUTATION IN SUPPORT OF ARTICLE OF CHARGE
MADE AGAINST SHRI CHOTE NARAYAN SINHA, SDOT BARPETA ROAD
UNDER THE TDM BONGAIGAON.

That the Shri C.N.Sinha was functioning as SDOT Barpeta Road during 1992. His main duties and responsibility as SDOT was efficient working of all lines and office in his sections and exercise efficient supervision and control of staff placed under his control, alongwith other works.

That said Shri C.N.Sinha received 23.5 km PVC insulated galvanised steel dropwire from SDOT Bongaigaon, vide issue voucher no. 201 dtd. 8-5-92 and had failed to make entries of the stores in the relevant receipt and issue sheets (Stock Register) as prescribed in rule 338 of P & T Mannual Voloume- X and thereby contravened para 334 of P & T Mannual Volume-X.

That said shri C.N.Sinha could not produce any issue slips in proof of utilisation of the said dropwire nor could produce any pfoof for issuance of the said stores, as required under paras 222 and 223 of P & T Financial Hand Book Volume III part-II.

That, the above acts of Shri C.N.Sinha caused huge undue financial loss to the tune of Rs. 1,79,280/- to Telecom Deptt. on account payment bills of M/s B.R Electricals, New Delhi.

The above commission and omission of Shri C.N.Sinha is highly unbecoming a public servant and also he failed to maintain absolute integrity and devotion to his duty which contravened the provisions of Rule 3(1) (i) & (ii) of CCS(Conduct) Rules '1964.



ANNEXURE-III

LIST OF DOCUMENTARY EVIDENCE BY WHICH THE ARTICLE OF
CHARGE FRAMED AGAINST SHRI CHOTE NARAYAN SINHA SDOT
BARPETA ROAD UNDER THE TDM BONGAIGAON ARE PROPOSED TO BE
SUSTAINED.

- 1) Vr. No. 22 dtd. 2-5-92 (Bill No. 294)
- 2) Cash book No. 102 for the period 1-4-92 to 30-5-92 (relevant page No. 48) O/O TDE Bongaigaon.
- 3) Counterfoil of cheque book Sl. No. 174101 to 174200 O/O TDE Bongaigaon.
- 4) Estimate file No. WT-5544/92-93 O/O TDE Bongaigaon.
- 5) Estimate file No. WT-5549/92-93 O/O TDE Bongaigaon.
- 6) Stock Register of SDOT Bongaigaon
- 7) Voucher No. 201 dtd. 8-5-92
- 8) Stock register of SDOT Barpeta Road
- 9) Swamy's compilation of Posts and Telegraphs Hand Book Volume-I (General)
- 10) Post & Telegraphs Financial Hand Book, Volume III Pt. II
- 11) Schedule of Financial Power 1993
- 12) Swammy's general Financial Rules.
- 13) P & T Manual Volume -X.

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ANNEXURE-IV

LIST OF WITNESS BY WHOM THE ARTICLE OF CHARGES FRAMED
AGAINST SHRI C.N.SINHA, SDOT BARPETA ROAD UNDER TDM
BONGAIGAON ARE PROPOSED TO BE SUSTAINED.

- 1) Shri U.Sargiary, Chief Accounts Officer, O/O TDM Bongaigaon.
- 2) Sh. M.K.Saha, sdot Barpeta Road.
- 3) Shri P.K.Ghosh, SDOP Bongaigaon.
- 4) Shri Jagadish Ch.Das, Lineman, O/O SDOP-I Bongaigaon.
- 5) Shri M.Sharma, Insp, CBI/ACB Guwahati.

SD

Bharat Sanchar Nigam Ltd.
(A Govt. of India Enterprise)
O/O The Chief General Manager
Assam Telecom Circle, Guwahati-07.

No. Vig/Assam/Disc.XVI/6

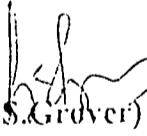
Dated, 2-2-2002.

MEMORANDUM

- 1) Shri D.N.Baishya formerly SDOP Dispur and now ADT(MIS) O/O CGMT Guwahati is hereby informed that it is proposed to hold an inquiry against him under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).
- 2) Shri D.N.Baishya is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.
- 3) He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each articles of charge.
- 4) Shri D.N.Baishya is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule-14 of CCS(CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him exparte.
- 5) Attention of Sri D.N.Baishya is invited to Rule 20 of the Central Civil Services(Conduct) Rules, 1964 under which no Govt. Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri D.N.Baishya is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS(Conduct) Rules 1964.
- 6) The receipt of the memorandum may be acknowledged.

To

Sri D.N.Baishya,
ADT(MIS)
O/o CGMT Guwahati.


(G.S. Grover)

Chief General Manager
Assam Telecom Circle, Guwahati-07.

2-2-2002

ANNEXURE-I

ARTICLE OF CHARGE FRAMED AGAINST SHRI D.N.BAISHYA,
FORMERLY SDOP DISPUR AND NOW ADT(MIS) O/O CGMT, GUWAHATI.

That the said shr D.N.Baishya, while functining as SDOP Dispur during the year 1992 committed gross misconduct in as much as he forwarded bill No. 581 dtd. 19-9-92 of M/s B.R.Electricals, New Delhi to the TDM Office for payment without challans which otherwise should be submitted as per the conditions of the purchase orders. He also wilfully certified receipt of 25 Kms. of drupwire in the said bill without putting any dates though receipt of the materials had been entertained in the Stock register on 27-10-92. He also received the said stocks on 27-10-92 after the expiry of the delivery period.

Thus, Shri D.N.Baishya due to his aforesaid acts failed to maintain absolute integrity and devotion to duty and thereby contravened Rules 3(I) (i) and (ii) of CCS(Conduct) Rule-1964.

(G.S.GROVER)

CHIEF GENERAL MANAGER
ASSAM TELECOM CIRCLE
GUWAHATI-07.



ANNEXURE-II

STATEMENT OF IMPUTATION IN SUPPORT OF ALLEGATION MADE
AGAINST SHRI D.N.BAISHYA, FORMERLY SDOP DISPUR AND NOW
ADT(MIS) O/O CGMT GUWAHATI.

That the said shri D.N.Baishya was functioning as sdop dispur during the year 1992. His main duties and responsibilities as SDOP Dispur are as under :-

- i) Over-all Incharge of the sub-division relating to maintenance, development of Telecom networks.
- ii) Planning and administration of the Sub-division.
- iii) supervision of the subordinate staffs for proper discharge of their day to day official works.

The following purchase orders were issued favouring M/s B.R.Electricals under the signatures of shri B.K.Deori, the then DE(P&A) after the approval for purchase by Shri Kranti Kumar, the then CGMT guwahati for supply of the dripwire making the consignee to SDOP Dispur.

<u>Sl.No.</u>	<u>Purchase orders and dated</u>	<u>Quantities</u>	<u>Consignee</u>
1.	WS-700/LP/Dropwire/92-93/7 dtd. 18-9-92.	25 Kms.	SDOP Dispur.

The terms and conditions among others of the said purchase orders are as under :-

1. Delivery to be made within 15 days from the date of receipt of the purchase order.
2. Bills in triplicate should be submitted with challans duly acknowledged as a token of receipt of the goods to the TDM Office through the consignees.

Copies of the above said purchase order was given to SDOP Dispur for information and taking delivery of the goods. However, Shri D.N.Baishya had forwarded bill 581 dtd. 19-9-92 vide his letter No. W-5/92-93/2 dated 6-11-92 against the above said purchase order of M/s B.R.Electricals to the TDM Office without any challan in clear violation to the conditions laid down in the said purchase order.

Shri D.N.Baishya has also certified receipt of the stocks without putting any date though receipt of the stocks had been entertained in the Store on 27-10-92.

Shri D.N.Baishya wilfully had received the said 25 Kms on 27-10-92 from the Store of SDOP Central after the expiry of the delivery period of the purchase order, which should be received on or before 18-9-92.



Thus, by his above acts Shri D.N.Baishya failed to maintain absolute integrity and devotion to duty thereby contravened the provisions of Rule-3(1)(i) & (ii) of CCS(Conduct) Rules 1964.

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED
AGAINST SHRI D.N.BAISHYA FORMERLY SDOP DISPUR NOW ADT(MIS)
O/O CGMT GUWAHATI ARE PROPOSED TO BE SUSTAINED.

- 1) Purchase order No. WS-700/LP/Dropwire/92-93/7 dtd. 18-9-92
- 2) Bill No. 581 dtd. 19-9-92 for Rs. 1,90,723/- of M/s B.R.Electricals, New Delhi for supply of 25 kms of the said PVC, Dispur to SDOP Dispur against P.O. No. WS-700/LP/Dropwire/92-93/7 dtd. 18-9-92.
- 3) Letter No. G-5/92-93/2 dtd. 6-11-92 of SDOP Dispur addressed to AE/Admin O/O TDM Guwahati.
- 4) Notings in the note sheets of file No. WT-2710/92-93 at page nos.1,2,3,4,5,6 & 7.
- 5) File No. G-5 of SDOP Dispur.
- 6) Stock Register of SDOP Dispur.
- 7) CVR Reddy's Telecom Financial Power and procurements.
- 8) Swamy's compilation of Posts and Telegraph Hand Book, Volume-1 (General)
- 9) Posts and Telegraph Financial Hand Book, Volume-III, Pt.1
- 100) Schedule of financial Power, 1993.
- 101) Swamy's general Financial Rules.
- 102) P & T Manual volume X.

ANNEXURE-IV

LIST OF WITNESS BY WHOM THE ARTICLE OF CHARGE FRAMED
AGAINST SHRI D.N.BAISHYA FORMERLY ADOP DISPUR NOW ADT(MIS)
O/O CGMT GUWAHATI ARE PROPOSED TO BE SUSTAINED.

- 1) Shri A.S.Deb, SDE, CTSD, Guwahati.
- 2) Shri S.Taid, DE(Planning) O/O GMT Guwahati.
- 3) Shri C.K.Das, Sr. AO Cash O/O the GMT, Guwahati.
- 4) Shri R.N.Singh, Store Lineman of SDOP Dispur.
- 5) Shri Durga Prasad Rai, Store Lineman of SDOP Central.
- 6) Shri Ng. Khamrang, Inspector, CBI ACB Guwahati Branch

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Bharat Sanchar Nigam Ltd.
(A Govt. of India Enterprise)
Q/O The Chief General Manager
Assam Telecom Circle, Guwahati-07
No. Vig/Assam/Disc/VI/7 Dated, 2-2-2002.

MEMORANDUM

- 1) Shri Atul Sharma, formerly AE(Plg) O/O TDM Guwahati and now SDE(AT) O/O CGMT Guwahati is hereby informed that it is proposed to hold an inquiry against him under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).
- 2) Shri Atul Sharma is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.
- 3) He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each articles of charge.
- 4) Shri Atul Sharma is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule-14 of CCS(CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex parte.
- 5) Attention of Sri Atul Sharma is invited to Rule 20 of the Central Civil Services(Conduct) Rules, 1964 under which no Govt. Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri Atul Sharma is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS(Conduct) Rules 1964.
- 6) The receipt of the memorandum may be acknowledged.

To

Sri Atul Sharma,
SDE(AT)
O/o CGMT Guwahati.

(G.S. Grover)

Chief General Manager

Assam Telecom Circle, Guwahati-07.

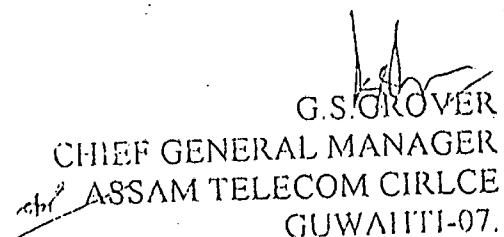
SJ

ANNEXURE-I

ARTICLE OF CHARGE FRAMED AGAINST SHRI ATUL SHARMA
FORMERLY AE/PLANNING, O/O THE THE TDM GUWAHATI AND NOW
SDE(AT) O/O CGMT GUWAHATI.

That the said Shri Atul Sharma while functioning as AE/Planning in the office of the TDM Guwahati during 1992 committed gross misconduct, in as much as he processed all the proposals for purchase of PVC insulated twin galvanised steel dropwire from M/S B.R.Electricals, New Delhi at an exorbitant rate of Rs. 6,999/- per Km which was the approved rate of J & K TelecomCircle, despite the facts that the said dropwire was not approved by DOT being non-standard one, not evaluated by TEC nor inspected by QA and without obtaining non-availability certificate from CTSD Dispur and when there was no requirement of the items. He also processed all the bills submitted by M/s B.R.Electricals when the same were not accompanied by Challans with defective challans, before sanctioned of estimates/without valid estimates and in some instances without estimates which all these show his malafide intention to oblige for the illegal purchases thereby causing undue loss to the Deptt. to the tune of Rs. 28,83,729.98.

Thus, Shri Atul Sharma due to his aforesaid acts failed to maintain absolute integrity and devotion to duty and thereby contravened the provisions of Rule 3(1)(i) and (ii) of CCS(Conduct) Rule, 1964.


G.S. GROVER
CHIEF GENERAL MANAGER
ASSAM TELECOM CIRCLE
GUWAHATI-07.



ANNEXURE-II

STATEMENT OF IMPUTATION IN SUPPORT OF ALLEGATION MADE
AGAINST SHRI ATUL SHARMA FORMERLY AE/PLANNING O/O THE THEN
TDM, GUWAHATI AND NOW SDE(AT) O/O CGMT GUWAHATI.

That the said Shri Atul Sharma, while functioning as AE/planning in the Office of TDM Guwahati during 1992 had processed all the proposals for purchase of PVC insulated twin galvanised steel dropwire from M/s B.R.Electricals, New-Delhi at an exorbitant rate of Rs.6,999/- per Km which were subsequently approved by shri Y.P.Kataria, TDM and shri Kranti Kumar, CGMT for total 378 Kms. While processing for the said purchase, he has failed to see and point out the following points as AE/Planning :-

- 1) That, the said dropwire of M/S B.R.Electricals was not an approved item of DOT being non-standard, not evaluated by TEC nor inspected/tested by QA Wing of DOT and hence not authorise to purchase by DOT.
- 2) That, line store materials, including overhead wire was a stock item and during 1992, the same were purchased centrally, procured by CGMT's Calcutta and supplied to field staff through CTSD as per requirements.
- 3) That, non-availability certificate from CTSD, Dispur was required to be obtained.
- 4) That, there was no de-centralisation of orders for purchasing any type of PVC insulated G.I Wire from DOT.
- 5) That, during the relevant period, there was no rules/circulars etc. of DOT for adopting tender rates approved by other Circles.
- 6) That, there was no requirements of the said items in the Sub-divisions.
- 7) that, the purchase to be made within the financial limit of the purchasing authority and by following all tendering formalities and other rules laid down by the Deptt. for purchase of store items.

Shri Atul Sharma also had processed for payments of the following bills submitted by M/s B.R.Electricals against the supply of the dropwires :-

Sl.No.	Bill No. & Dtd.	Quantity	Amount	Rate
1.	237 dtd. 5-3-92	26 Kms	Rs.1,98,351.66	Rs.6,999/-per Km+taxes
2.	238 dtd. 5-3-92	26 Kms	Rs. 1,98,351.66	-do-
3.	239 dtd. 5-3-92	26 Kms	Rs.1,98,351.66	-do-
4.	348 dtd. 9-5-92	100 Kms	Rs.7,62,891.00	-do-
5.	349 dtd. 11-5-92	25 Kms	Rs.1,90,723.00	-do-
6.	350 dtd. 11-5-92	25 kms	Rs. 1,90,723.00	-do-
7.	351 dtd. 11-5-92	25 Kms	Rs. 1,90,723.00	-do-
8.	352 dtd. 11-5-92	25 Kms	Rs. 1,90,723.00	-do-
9.	581 dtd. 19-9-92	25 kms	Rs. 1,90,723.00	-do-
10.	579 dtd. 19-9-92	25 Kms	Rs. 1,90,723.00	-do-
11.	578 dtd. 19-9-92	25 Kms	Rs. 1,90,723.00	-do-
12.	580 dtd. 19-9-92	25 Kms	Rs. 1,90,723.00	-do-
		Total :-	Rs. 28,83,729.98	

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While processing the above bills Shri Atul Sharma had failed to see and point out the following deficiencies in the bills :-

- i) That, none of the bills were accompanied by delivery challans duly acknowledged as a token of receipt of the materials which was required as per the clause laid down in the purchase orders.
- ii) That, bill No. 580 dtd. 19-9-92 was with defective challan i.e. without mentioning the truck No. which transported the materials.
- iii) That, bills could not be passed before sanctioned of estimates/valid estimates and without estimates.
- iv) That, the consignees received the materials after expiry of the delivery period and the concerned consignees had certified receipt of them materials in the bills without putting any date and page Nos. of the Stock Register.

Thus by his above acts, Shri Atul Sharma failed to maintain absolute integrity and devotion to duty thereby contravened the provisions of Rule 3(1)(i) and (ii) of CCS(Conduct) Rules, 1964.



While processing the above bills shri Atul Sharma had failed to see and point out the following deficiencies in the bills :-

- i) That, none of the bills were accompanied by delivery challans duly acknowledged as a token of receipt of the materials which was required as per the clause laid down in the purchase orders.
- ii) That, bill No. 580 dtd. 19-9-92 was with defective challan i.e. without mentioning the truck No. which transported the materials.
- iii) That, bills could not be passed before sanctioned of estimates/valid estimates and without estimates.
- iv) That, the consignees received the materials after expiry of the delivery period and the concerned consignees had certified receipt of them materials in the bills without putting any date and page Nos. of the Stock Register.

Thus by his above acts, Shri Atul Sharma failed to maintain absolute integrity and devotion to duty thereby contravened the provisions of Rule 3(1)(i) and (ii) of CCS(Conduct) Rules, 1964.



ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED
AGAINST SHRI ATUL SHARMA FORMERLY AE(PLG) O/O TDM GUWAHATI
AND NOW SDE(A) O/O CGMT GUWAHATI ARE PROPOSED TO BE
SUSTAINED.

1. Letter No. BRE/G.I. Wire/1991-92 dtd. 30-11-91 of M/s B.R.Electricals, New Delhi.
2. Letter No. BRE/G.I. Wire/1991-92 dtd. December 1991 of M/s B.R.Electricals.
3. Letter No. WS-700/LP/Pt.IV/91-92/60 dtd. 3-2-92 of Asstt.Engineer (plg) O/O TDM Guwahati.
4. Letter No. WS-700/LP/Pt.IV/91-92/76 dtd. 21-2-92 of Asstt. Engineer (Plg) O/O TDM Guwahati.
5. Letter No. W-1/91-92/41 dtd. 22-2-92 of SDOT Rangia addressed to the TDM Guwahati.
6. Letter No. E-11/91-92 dtd. 21-2-92 of AE operational Borjhar addressed to the DE(Plg) O/O TDM Guwahati. File No. WS-700/LP/91-92/Pt.IV.
7. Letter o.D-1/91-92 dtd. 25-2-92 of SDOT/Kamrup addressed to DE(P&A) O/O TDM Guwahati.
8. Purchase order No. WS-700/LP/Pt.IV/91-92/79 dtd. 24-2-92 signed by shri B.K.Deori, DE(P&A) O/O TDM Guwahati.
9. Purchase order No. WS-700/LP/Pt.IV/91-92/81 dtd. 25-2-92 signed by shri B.K.Deori, DE(P&A) O/O TDM Guwahati.
10. Purchase order No. WS-700/LP/Pt.IV/91-92/82 dtd. 26-2-92 signed by shri B.K.Deori, DE(P&A) O/O TDM Guwahati.
11. Letter No. WS-700/LP/Pt.IV/91-92/80 dtd. 25-2-92 signed by Asstt. Engineer (Plg) O/O TDM Guwahati.
12. Purchase order No. WS-700/Pt.IV/91-92/104 dtd. 3-4-92 signed by shri B.K.Deori DE(P&A) O/O TDM Guwahati.
13. Letter No. S-1/91-92/27 dtd. 28-2-92 of SDOP Central addressed to Asstt. Engineer(Plg) O/O TDM Guwahati.
14. Letter No. W-30/91-92/6 dtd. 18-2-92 of SDOP Dispur addressed to AE(Plg) O/O TDM Guwahati.
15. Letter No. WS-700/LP/Pt.IV/91-92/102 dtd. 2-4-92 of Asstt.Engineer (Plg) O/O TDM Guwahati.
16. Letter No. WS-700/LP/Pt.IV/91-92/103 dtd. 2-4-92 of Asstt.Engineer (Plg) O/O TDM Guwahati.
17. Notings in the note sheet of File No. WS-700/LP/91-92/Pt.IV at page nos. 19,21,26,27,28,29,30,32,33,34,37 and 38.
18. Letter No. S-13/91-92/6 dtd 26-2-92 of SDOP Dispur addressed to Sh. A.K.Sharma, AE(Plg) O/O TDM Guwahati.
19. Purchase order No. WS-700/LP/Pt.V/91-92/12 dtd. 2-5-92 signed by Sh. B.K.Deori, DE(P&A) O/O TDM Guwahati.
20. Letter No. Store-I/SDOP/West/91-92/6 dtd. 3-6-92 of SDOP West addressed to TDM Guwahati.

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- 21) Notings in the note sheets of file No. WS-700/LP/V/92-93 at page nos. 3 & 4.
- 22) Purchase order No. WS-700/LP/Dropwire/92-93/4 dtd. 15-8-92
- 23) Purchase order NO. WS-700/LP/Dropwire/92-93/5 dtd. 16-9-92
- 24) Purchase order No. WS-700/LP/Dropwire/92-93/6 dtd. 17-9-92
- 25) Purchase order No. WS-700/LP/Dropwire/92-93/7 dtd. 18-9-92
- 26) Notings in the note sheet of file No. ES-700/LP/Dropwire/93-94 at page no. 1,2,3,4 & 5
- 27) Bill No. 237 dtd. 5-3-92 of M/s B.R.Electricals, New Delhi for Rs. 1,98,351.66 for supply of 26 Kms of the said PVC Dropwire to SDOT Kamrup agaisnt P.O. No. WS-700/LP/Pt.IV/91-92/82 dtd. 28-2-92
- 28) Bill No. 239 dtd. 5-3-92 of M/s B.R.Electricals, New Delhi for Rs. 1,98,35.66 for supply of 26 Kms of the said PVC Dropwire to SDOP Kamrup against P.O Ni. WS-700/LP/IV/91-92/79 dtd. 24-2-92.
- 29) Bill No. 238 dtd. 5-3-92 of M/s B.R.Electricals, New Delhi for Rs. 1,98,351.66 for supply of 26 Kms of the said PVC Dropwire to SDOP Kamrup P.O. No. WS-700/LP/IV/91-92/81 dtd. 25-2-92.
- 30) Letter No. D-1/91-92/49 dtd. 30-3-92 of SDOT Kamrup alongwith enclosures of Bill nos. 237 dtd. 5-3-92, 238 dtd. 5-3-92 and 239 dtd. 5-3-92 of M/s B.R.Electricals addressed to DE(P&A) O/O TDM Guwahati.
- 31) Notings in note sheets of the Bill File No. WS-700/LP/Bill at page nos. 19,20 & 21.
- 32) Letter No. W-1/Es/92-93/3 dtd. 13-5-92 of SDOP Dispur alongwith enclosures of estimate addressed to the DE(P&A) O/O TDM Guwahati.
- 33) Letter No. WT-27/0/92-93/2 dtd. 19-5-92 of Asstt. Engineer (Plg) addressed to SDOP Dispur.
- 34) Challan dtd. 2-5-92 in the letter head of Ms B.R.Electricals, for supply of 100 Kms to SDOP Dispur agaisnt P.O No. WS-700/LP/Pt.IV/91-92/104 dtd. 3rd AKpril, 92 (Photocopy).
- 35) Challan dtd. 11-5-92 in the letter head of M/s B.R.Electricals, for supply of 25 Kms. to SDOP Dispur against P.O No. WS-700/LP/Pt.IV/91-92/12 dtd. 2-5-92 (Photocopy).
- 36) Challan dtd. 11-5-92 in the letter head of M/s B.R.Electricals, for supply of 25 Kms to SDOP Dispur agaisnt P.O No. WS-700/LP/Pt.IV/91-92/12. dtd. 2-5-92 (Photocopy).
- 37) Challan dtd. 11-5-92 in the letter head of M/s B.R.Electricals, New for supply of 25 Kms to SDOP Dispur against P.O No. WS-700/LP/91-92 dtd.. 2-5-92 (Photocopy).
- 38) Challan dtd. 11-5-92 in the letter head of M/s B.R.Electricals, for supply of 25 Kms to SDOP Dispur agaisnt PO No. WS-700/LP/Pt.IV/91-92/12 dtd. 2-5-92 (Photocopy).
- 39) Bill No. 348 dtd. 9-5-92 for Rs. 7,62,891/- of M/s B.R.Electricals for supply of 100 KM of the said PVC Dropwire to SDOP Dispur.
- 40) Bill No. 349 dtd. 11-5-92 for Rs. 1,90,723/- of M/s B.R.Electricals for supply of 25 KM of the said PVC Dropwire to SDOP Dispur.



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- 41) Bill No. 350 dtd. 11-5-92 for Rs. 1,90,723/- of M/s B.R.Electricals for supply of 25 kms of the said PVC Dropwire to SDOP Dispur.
- 42) Bill No. 351 dtd. 11-5-92 for Rs. 1,90,723/- of M/s B.R.Electricals for supply of 25 kms of the said PVC Dropwire to SDOP Dispur.
- 43) Bill No. 352 dtd. 11-5-92 for Rs. 1,90,723/- of M/s B.R.Electricals for supply of 25 kms of the said PVC Dropwire to SDOP Dispur.
- 44) Letter No. W-996/92-93/4 dtd. 18-5-92 of SDOP Dispur addressed to TDM Guwahati.
- 45) Bill No. 581 dtd. 19-9-92 for Rs. 1,90,723/- of M/s B.R.Electricals, New Delhi for supply of 25 kms of the said PVC Dropwire to SDOP Dispur against P.O. No. WS-700/LP/Dropwire/92-93/7 dtd. 18-9-92.
- 46) Letter No. G-5/92-93/2 dtd. 6-11-92 of SDOP Dispur addressed to AE/Admn O/O TDM Guwahati.
- 47) Notings in the note sheets of file No. WT-2710/92-93 at page nos. 1,2,3,4,5,6 & 7.
- 48) Bill No. 578 dtd. 19-9-92 for Rs. 1,90,723/- of m/s B.R.Electricals, New Delhi for supply of 25 kms of the said PVC Dropwire to SDOP West against P.O. No. WS-700/LP/Dropwire/92-93/4 dtd. 15-9-92.
- 49) Letter No. S-1/SDOP/W/92-93 dtd. 6-11-92 of SDOP West addressed to DE(P & A) O/O TDM Guwahati.
- 50) Noting in the Note sheet of the Bill File No. WM-706/90-91/SDOP West at page No. 19.
- 51) Bill No. 579 dtd. 19-9-92 for 1,90,723/- of M/s B.R.Electricals New Delhi.
- 52) Letter No. WS-1/92-93/22 dtd. 6-11-92 of SDOP East addressed to the DE(P&A) O/O TDM Guwahati.
- 53) Noting in the Note Sheet of the Bill File no. WM-706/SDOP(E)
- 54) Challan No. 962 dtd. 19-9-92 of M/s B.R.Electricals New Delhi
- 55) Bill No. 580 dtd. 19-9-92 for Rs. 1,90,723/- of M/s B.R.Electricals New Delhi
- 56) Letter No. S-3/Bills LP/92-93/2 dtd. 4-11-92 of SDOP Central addressed to DE(P&A) O/O TDM Guwahati.
- 57) Noting in the Note sheet of the Bill File No. WM-706/SDOP/Central/91-92
- 58) Estimate File No. WT-2708/91-92 relating to estimate No. 2993 D(b)/92-93 of AE(OP) Borjhar.
- 59) Estimate File No. WT-2708/91-92 relating to estimate No. 2992 D(b)/92-93 of SDOT Rangia.
- 60) File No. WS-1 of SDOP East.
- 61) File No. G-5 of SDOP Dispur.
- 62) Letter No. BRE/Wire/ASM/92-93 dtd. 13-5-92 of M/s B.R.Electricals, New Delhi addressed to SDOP Dispur.
- 63) File No. WS-1 of SDOP West.
- 64) File No. S-3/92-93 of SDOP West.
- 65) File No. S-3/92-93 of SDOP Central.
- 66) Stock Register of SDOP Dispur.
- 67) Stock Registers of SDOP West (2 Nos.)
- 68) Stock Register of SDOP East.

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69) Stock Register of SDOP Central (2 Nos)

70) Voucher No. 791 dtd. 23-5-92 against Bill No. 348 dtd. 9-5-92 of M/s B.R.Electricals for Rs.7,62,89/- for supply of 100kms of PVC dropwire to SDOP Dispur.

71) Vouchers No. 790 dtd. 23-5-92 against Bill No. 349 dtd. 349 dtd. 11-5-92 of M/s B.R.Electricals for Rs. 1,90,723/- for supply of 25 kms of PVC dropwire to SDOP Dispur.

72) Voucher No. 789 dtd. 23-5-92 against Bill No. 350 dtd. 11-5-92 of M/s B.R.Electricals for Rs. 1,90,723/- for supply of 25 kms of PVC dropwire to SDOP Dispur.

73) Voucher No. 788 dtd. 23-5-92 against Bill No. 351 dtd. 11-5-92 of M/s B.R.Electricals for Rs. 1,90,723/- for supply of 25kms of PVC dropwire to SDOP Dispur.

74) Voucher No. 787 dtd. 23-5-92 against Bill No. 352 dtd. 11-5-92 of M/s B.R.Electricals for Rs. 1,90,723/- for supply of 25 kms of PVC dropwire to SDOP Dispur.

75) Voucher No. 638 dtd. 11-11-92 against Bill No. 578 dtd. 19-9-92 of M/s B.R.Electricals for Rs. 1,90,723/- for supply of 25 kms of PVC Dropwire to SDOP/West.

76) Voucher No. 635 dtd. 11-11-92 against Bill No. 579 dtd. 19-9-92 of M/s B.R.Electricals for Rs. 1,90,723/- for supply of 25 kms PVC dropwire to SDOP East.

77) Voucher No. 636 dtd. 11-11-92 against Bill No. 580 dtd. 19-9-92 of M/s B.R.Electricals for Rs. 1,90,723/- for supply of 25 kms of PVC dropwire to SDOP Central.

78) Voucher No. 637 dtd. 11-11-92 against Bill No. 581 dtd. 19-9-92 of M/s B.R.Electricals for Rs. 1,90,723/- for supply of 25 kms of PVC dropwire to SDOP Dispur.

79) Receipt acknowledgement dtd. 11-11-92 of cheque No. 166033 dtd. 11-11-92 for Rs.7,62,892/- by Sh. K.C.Bagh, Sr. Marketing Manager, M/s B.R.Electricals.

80) Cash Book of O/O TDM Guwahati w.e.f.30-3-92 to 11-5-92 at page No. 20.

81) Cheque Book No. 165497 dtd. 1-4-92 for Rs. 5,95,05/- issued by Sh.M.C.Sharma, AO East in favour of M/s B.R.Electricals, N.Delhi.

82) Cash Book of O/O TDM Guwahati w.e.f.12-5-92 to 25-6-92 at page No. 25.

83) Cheque No. 165600 dtd. 23-5-92 for Rs. 15,25,78/- issued by Sh. K.N.Sharma, AO Cash in favour of RBI Guwahati.

84) Cash Book of O/o the TDM Guwahati w.e.f. 14-10-92 to 11-11-92 at page No. 97.

85) Cheque No. 166033 dtd. 11-11-92 for Rs. 7,62,892/- issued by Sh. K.N.Sharma, AO Cash in favour of M/s B.R.Electricals, N. Delhi.

86) Counterfoils of Cheque Nos 166001 to 166100 w.e.f.3-11-92 to 1-12-92.

87) Counterfoils of cheque nos. 165401 to 165500 w.e.f.10-3-92 to 4-4-92.

88) Counterfoils of cheque nos 165501 to 165600 w.e.f. 4-4-92 to 23-5-92.

89) Letter No. GMT/GH/AO Cash/CBI/98-99 dtd. 1-3-99 of Sh. C.K.Das, AO Cash.

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90) letter No. 9-5/98-Vig dtd. 13-4-99 of Sh. R.Krishnamoorthy, Director (V & T) DOT N.Delhi alongwith enclosures.

91) Letter No. Vig/Assam/103 Vol-I/97-98/201 dtd. 9-8-99 of Vigilance officer O/O CGMT Guwahati.

92) Letter No. E-48/2000-01/28 dtd. 29-5-2000 of Sh A.S.Deb, SDE O/O DE CTSD Guwahati.

93) letter No. E-48/2000-01/30 dtd. 22-6-00 of sh. A.S.Deb, SDE CTSD, Guwahati

94) Letter No. E-48/CB1/2000-2001/25 dtd. 29-5-2000 of Sh. A.S.Deb, SDE,CTSD, Guwahati alongwith enclosures of ledger sheet w.e.f.23-8-92 to March 93 of 2mm PVC insulated GI wire (Single)

95) Stock ledger of 0.91 mm dia Cadmium Copper dropwire (Rate list No. 120451) of CTSD Guwahati w.e.f.13-1-92 to 8-10-92 (4 sheets).

96) Letter No. dtd. 29-10-92 issued by shri Narendra Kumar, Director, MMS, DOT New Delhi to CGMT Assam Circle.

97) CVR Reddy's Telecom Financial Power and procurements.

98) Swamy's compilation of Posts and Telegraph Hand Book, Volume-I (General)

99) Posts and Telegraph Financial Hand Book, Volume-III, Pt.I

100) Schedule of financial Power, 1993.

101)Swamy's general Financial Rules.

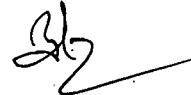
102) P & T Manual volume X.

AB

ANNEXURE-IV

LIST OF WITNESS BY WHOM THE ARTICLE OF CHARGE FRAMED
AGAINST SHRI ARIJUL SHARMA FORMERLY AE(PIG) O/O TDM
GUWAHATI AND NOW SDE(A/T) O/O CGMT GUWAHATI ARE PROPOSED
TO BE SUSTAINED.

1. Krishnamoorty, Director (V & T), DoT, New Delhi.
2. Shri Ashim Abbas, Director (T & C) DOT New Delhi.
3. Shri K.Nagarajan, Asstt. Director General (Vig) DOT New Delhi.
4. Shri A.S.Deb, SDE, CTSD, Guwahati.
5. Shri S.Taid, DE(Planning) O/O GMT Guwahati.
6. Shri C.K.Das, Sr. AO Cash O/O the GMT, Guwahati.
7. Shri D.P.Singh, DGM(Plg) O/O CGMT, Guwahati.
8. Shri R.N.Singh, Store Lineman of SDOP Dispur.
9. Sh. N.C.Satradhar, JTO Store I/C of SDOP Dispur.
10. Shri Girish bora, Store Lineman of SDOP East.
11. Shri Praneswar Das, Store Lineman, SDOP West.
12. Shri Pradeep Malakar, the then R/M of SDOP West now Phone Mechanics of SDOP West-II.
13. Shri Durga Prasad Rai, Store Lineman of SDOP Central.
14. Shri Narendra Kumar, Director (MMS) DOT Sanchar Bhawan, New Delhi.
15. Shri Ng. Khamrang, Inspector, CBI ACB Guwahati Branch.



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**TELECOMMUNICATION ENGINEERING SERVICES
ASSOCIATION (I)
ASSAM CIRCLE :: GUWAHATI-781007**

NO: TESA(I)/ASM/2000-01

Dated 22nd February 2002

TO

The Chairman Cum Managing Director
Bharat Sanchar Nigam Limited.
Statesman House, Barkhamba Road
New Delhi.

Sub:-Review of the Disciplinary proceedings against members of TESA (I)

Sir;

It is reported that disciplinary proceedings are being initiated against a large number of officers belonging to this organization for their alleged involvement in connection with the purchase of PVC Insulated twin galvanized steel drop wire from M/s B.R.Electricals, a New Delhi based firm at the rates approved by J & K circle which was reported to be much higher. As per information received from effected members that due to the technical and prevailing unstable social condition in the circle, the purchase of the item was suggested in order to prevent frequent theft of wire and consequent interruption in the line, by the then top management of the circle at the rates approved by J & K circle as because there was no concept of use of this item in DOT till December 1992. The supply of Insulated G I wire commenced in DOT only in January'1993. The climatic condition and the topography of this region necessitated use of this type of wire as had been technically recommended by the then management of this circle. Moreover in the absence of any such circular till 1993 that one circle cannot operate at the approved rate of any other circle in the matter of purchase of any item, the then management decided to purchase the item at the rates approved by J&K circle.

Sir, our members being subordinate officers had no role to play in the policy decision to purchase and to finalise the modalities of procurement which is being termed as irregular by the investigating

Certified to be
True copy.

Sh

Advocate

Agency. But, the members of this Association are reportedly being Charge-sheeted Under Rule 14 without considering the level of responsibility and magnanimity of the official power exercised by the staff / officer of various cadres and position in the aforesaid purchase deal. It is very unfortunate that while many senior officers who were involved in the decision to purchase and the mode of purchase have been simply Censured in this case while sub-ordinate officers are being booked under Rule-14.

Under the above circumstances, I , on behalf of the Assam Circle Branch of TESA (I) appeal to review the whole case in the light of the practical working environment prevailing in those days and the actual level of responsibility of the subordinate officers in the above case, in consultation with the Vigilance cell of the Department and do natural justice to our members who are suffering from extreme mental agony due to the discriminatory attitude shown to them at the fag end of their service life.

With regards,

Yours faithfully
(R. Dutta Choudhury)
Circle Secretary, TESA(I), Assam.

Copy for information and necessary action to:-
The Chief General Manager, Assam Telecom Circle, Guwahati-7.

